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September 1, 2022

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Via ECF

Hon. Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

Re: *Dickens et al. v. Thinx Inc.*; Case No. 1:22-cv-04286-JMF
Request to Vacate Upcoming Case Deadlines and Stay Proceedings

Dear Judge Furman:

Plaintiffs Haleh Allahverdi, Jillian Blenis, Haley Burgess, Nicole Dickens, and Lili Mitchell and Defendant Thinx Inc., through their undersigned counsel, write to respectfully request the Court vacate (i) Thinx's September 7, 2022 deadline to file a responsive pleading, and (ii) the September 13, 2022 Initial Pretrial Conference. The parties further request the Court temporarily stay this action for a period of sixty (60) days in light of the parties' agreement to settle this action on a nationwide basis. The parties are currently in the process of documenting the settlement agreement.

The proposed nationwide class settlement comes after more than a year of litigation and extensive negotiations in two related actions. Plaintiffs Allahverdi and Burgess brought their original action (*Allahverdi v. Thinx*, Case No. 2:20-cv-10341-SSS-JPR, C.D. Cal.) against Thinx on November 12, 2020. Shortly thereafter, Plaintiffs Blenis and Mitchell brought their original action (*Blenis v. Thinx*, Case No. 1:21-cv-11019-IT, D. Mass.) on June 18, 2021. Litigation and discovery ensued and, the parties ultimately mediated with The Hon. Jay Gandhi (Ret.) on December 8, 2021. While the parties were unable to reach a settlement during the full-day mediation, they continued settlement discussions in the months that followed. Among other things, the parties discussed Thinx's defenses to a nationwide class action brought against a non-resident defendant. While these negotiations were ongoing, Plaintiff Dickens filed this action on May 25, 2022. (ECF No. 1.)

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After months of arm's-length negotiations, the parties have entered into a confidential memorandum of understanding that provides for a nationwide resolution of all claims alleged against Thinx in the three cases. The proposed settlement will provide monetary relief to the settlement class through a common, non-reversionary fund as well as provide certain injunctive relief. Ultimately, the parties agreed to seek consolidation of the actions and proceed with settlement in this Court because Thinx is headquartered in New York and, as a result, the Southern District of New York presents an appropriate venue for a nationwide class settlement.

Plaintiffs thus filed their consolidated class action complaint on August 8, 2022. (ECF No. 16.) The parties are in the process of drafting the settlement agreement and related documents and Plaintiffs intend to file a motion for preliminary approval by October 31, 2022. In light of this, the parties respectfully request the Court vacate the upcoming deadlines for Thinx's responsive pleading and the Initial Pretrial Conference (and the associated deadline to submit a Proposed Case Management Plan and Scheduling Order) and stay this action for a period of sixty (60) days until Plaintiffs submit their preliminary approval motion.

This is the parties' second request for any extension of time or adjournment regarding any deadline in the above referenced action. The Court previously granted the parties' request for an extension of time to file Thinx's responsive pleading on July 22, 2022. (ECF No. 9.)

Respectfully submitted,

/s/ Erin J. Ruben

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Application GRANTED. Plaintiffs shall file a motion for preliminary approval by October 31, 2022.

The Clerk of Court is directed to terminate ECF No. 17.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Jan O. Brem".

September 2, 2022